

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY E. BROWN,

Plaintiff,

v.

MARROQUIN, et al.,

Defendants.

No. 1:21-cv-00087-ADA-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL

(ECF No. 12)

Bobby E. Brown (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 16, 2022, the court entered findings and recommendations, recommending that this action proceed only with Plaintiff’s cognizable claims for use of excessive force against Defendants C/O Marroquin, C/O Campbell, C/O Chavez, and C/O Pompa; and for violation of the ADA against Defendants C/O Marroquin and Sergeant Espinosa; and that all other claims and defendants be dismissed from this action based on Plaintiff’s failure to state a claim. (ECF No. 12.) The court also recommended that Plaintiff’s motion for preliminary injunctive relief be denied as moot. (*Id.*) Plaintiff was granted fourteen days in which to file objections to the findings and recommendations. (*Id.*) The fourteen-day deadline expired, and Plaintiff did not file objections or any other response to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
2 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
3 Court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued by the Magistrate Judge on December 16,  
6 2022, (ECF No. 12), are adopted in full;
- 7 2. This case now proceeds with Plaintiff's cognizable claims for use of excessive force  
8 against Defendants C/O Marroquin, C/O Campbell, C/O Chavez, and C/O Pompa;  
9 and for violation of the ADA against Defendants C/O Marroquin and Sergeant  
10 Espinosa;
- 11 3. All other claims and defendants are dismissed from this case, based on Plaintiff's  
12 failure to state a claim upon which relief may be granted;
- 13 4. Plaintiff's claims for failure to intervene, for false reports, and for minimizing  
14 Plaintiff's injuries are dismissed from this action based on Plaintiff's failure to state  
15 any claims upon which relief may be granted;
- 16 5. Defendants John Doe (Medical Personnel, Psy Tech) and Christian Pfeiffer  
17 (Warden, KVSP) are dismissed from this action based on Plaintiff's failure to state  
18 any claims against them upon which relief may be granted;
- 19 6. Plaintiff's motion for preliminary injunctive relief is denied as moot; and
- 20 7. This case is referred back to the Magistrate Judge for further proceedings, including  
21 service of process.

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24 IT IS SO ORDERED.

25 Dated: February 14, 2023

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UNITED STATES DISTRICT JUDGE